

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 20 October 2000
Name of applicant/court: Comptroller of Customs
Applicant to the Labelling Body: Not Applicable
Title of Publication: edited scans 246-274+ 990522
Other Known Titles: Edited Scans 246-274 plus 990522
Director: Not Applicable
Producer: Not Applicable
Publisher: Not Applicable
Author: Not Applicable
Format: CD-ROM (Non-film)
Country of Origin: Not Applicable
Language: Not Applicable

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Unrestricted.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The CD-ROM entitled *edited scans 246-274 + 990522* is classified as:
Unrestricted.

The publication is a CD-ROM devoted to the process of preparation of photographic material for publication. The photographs are the work of the photographer David Hamilton. 31 of the 55 files consist of nude portraits of girls whose ages range from puberty to the mid-teens, positioned among still life compositions and house interiors. A number of files contain brief text instructions for dealing with the photographic images. The majority of the photographic images are formally posed artworks, photographed in a soft-focus romantic style. The sexual characteristics of the girls are often visible but seldom emphasised. A small number of images depict mild forms of sexual touching. The dominant effect is aesthetic rather than sexual.

The images of nude girls have been considered under ss3(2)(a) and 3(3)(b) of the Films, Videos, and Publications Classification Act 1993. While the nude portrayal of adolescent girls is inevitably a sensitive issue, the artistic format of the images, their placement amongst other images, and the "work-in-progress" character of the material, locate the images of young girls in a context that does not encourage a sexual reading. The Classification Office is of the opinion that the CD-ROM, in this preparatory form, does not promote or support, or tend to promote or support, the exploitation of young persons for sexual purposes. While the publication exploits the nudity of young persons, it does not do so to an extent or degree, or in a manner, that would render its availability likely to be injurious to the public good. Consequently, no restriction is placed on the publication.

The decision places no limitation on the right to freedom of expression set out in s14 of the New Zealand Bill of Rights Act 1990.

OFLC Ref: 9901512